

ORDINANCE 1598

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, RELATING TO NBMC TITLE 8.26, NOISE ABATEMENT AND CONTROL; CREATING A NEW NBMC SECTION 8.26.115 RELATING TO CONSTRUCTION NOISE; AMENDING 8.26.110 RELATING TO EXEMPT SOUNDS DURING DAYTIME HOURS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of North Bend (“City”) has experienced an increase in complaints related to construction noise, and the City Council accordingly desires to more clearly regulate construction noise; and

WHEREAS, pursuant to RCW 70.107.060(3), the City Council finds that the construction noise control regulations included herein are justified by the special conditions arising from the substantially increased construction activity within the City, which has led to the related substantial increase in construction noise;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. New NBMC Section 8.26.115 (Construction noise), Created: A new North Bend Municipal Code Section 8.26.115 is hereby created to read as follows:

8.26.115 (Construction noise)

Sounds caused by or arising out of construction activities at construction sites are permitted only between the hours of 7:00 a.m. and 8:30 p.m., Monday through Friday, and between 9:00 a.m. and 6:00 p.m. on Saturdays. Such sounds are prohibited at all other times, including at any time on Sundays or legal holidays, regardless of the day of the week of any such legal holiday.

Notwithstanding any other provision of this chapter, however, the Director of Public Works may authorize construction noise to otherwise occur when necessary in the Director’s reasonable discretion to accommodate

transportation mitigation such as evening haul routes, construction on government facilities which cannot be undertaken during permitted hours, construction activities and site stabilization in the fall prior to the onset of winter weather, emergency work, or similar unusual events.

Section 2. NBMC Section 8.26.110 (Sounds exempt during daytime hours).
Amended: North Bend Municipal Code Section 8.26.110 is hereby amended to read as follows:

8.26.110 Sounds exempt during daytime hours.

The following sounds are exempt from the provisions of this chapter between the hours of 7:00 a.m. to 8:30 p.m.

- A. Sounds originating from residential property relating to temporary projects for the maintenance or repair of homes, grounds and appurtenances including but not limited to lawn mowers, saws, hammering and gardening, but excluding sounds from race vehicles;
- B. Sounds created by temporary blasting relating to an approved permit;
- C. Sounds created by the installation or repair of essential utility service; and
- D. Sounds created by aircraft, engine testing and maintenance not related to flight operations; provided, that aircraft testing and maintenance shall be conducted in remote sites whenever possible.

Section 3. Severability: Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4. Effective Date: This ordinance shall be published in the official newspaper of

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the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 16TH DAY OF AUGUST, 2016.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Kenneth G. Hearing, Mayor

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Published: August 24, 2016

Effective: August 29, 2016

Susie Oppedal, City Clerk